

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**PATRICIA GARNER-RUSSO,  
et al.**

**Plaintiff,**

**v.**

**STATE OF ALABAMA DEPARTMENT  
OF HUMAN RESOURCES, DR. PAGE  
WALLEY, et al.**

**Defendant.**

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**CASE NO. 2:06 CV-06-626-A**

**ANSWER**

COMES NOW Defendant Alabama Department of Human Resources, by and through its undersigned counsel, and answers Plaintiff's Complaint as follows:

1. Defendant denies each and every other allegation of Plaintiff's complaint and demands strict proof thereof.

**AFFIRMATIVE DEFENSES**

1. Defendant has sovereign immunity from suit under the Eleventh Amendment to the Constitution of the United States.

2. Defendant avers qualified, good faith immunity as a defense to this action.

3. Plaintiff's Complaint fails to state a cause of action upon which relief may be granted against Defendant.

4. Any award of damages, compensatory or punitive, against Defendant would violate Defendant's sovereign immunity under the Eleventh Amendment to the Constitution of the United States.

5. Defendant denies that Plaintiff has pled or proved that she is entitled to either compensatory or punitive damages.

6. Defendant reserves the right to amend its list of defenses to include any defenses which become available or appear during the investigation of this case, discovery procedures or otherwise.

RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of August 2006.

**TROY KING, KIN047**  
**ATTORNEY GENERAL**

SHARON E. FICQUETTE, FIC001  
ASSISTANT ATTORNEY GENERAL

/s/ Michael C. Joiner  
MICHAEL C. JOINER - JOI003  
Assistant Attorney General

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Department of Human Resources  
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ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing ANSWER upon the following by placing a copy thereof, addressed to them as indicated below, in U.S. Mail, first class postage prepaid, on this the 30<sup>th</sup> day of August 2006.

Patricia Garner-Russo  
710 Augusta Farms Road  
Waynesboro, VA 22980

/s/ Michael C. Joiner  
MICHAEL C. JOINER – JOI003  
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